

Expression of Interest by Public Tender

Reserve 37971, Lot 5213 Great Northern Highway, Port Hedland

The Town of Port Hedland (“the Town”) seeks expressions of interest by way of public tender for a community lease over land on Reserve 37971, Lot 5213 Great Northern Highway, Port Hedland (“the land”) for a term of ten (10) years, with the option to extend for a further five (5) year term.

The Town is committed to meeting the current and emerging need of the Community seeking the long term use of Town owned or controlled properties and land.

The award of the lease will be made based on what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender, in accordance with section 58(2)(b) of the *Local Government Act 1995*.

The Town invites interested parties to submit an expression of interest for a lease over the land. Tenderers must read the Town’s Community Leasing Policy for further details. A copy is available at [_https://www.porthedland.wa.gov.au/about-council/council/policies.aspx](https://www.porthedland.wa.gov.au/about-council/council/policies.aspx)

Proposals will be assessed on basis that they provide the best community use of the land. Additional weight given will be given to those proposal which align with the Town’s Strategic Plans and/or Master Plans, and which best address the priority needs of the community.

How to prepare your Expression of Interest

Contact Officer

Name: Kate Reid, Coordinator, Property Management, Town of Port Hedland

Telephone: (08) 9158 9733

Email: kreid@porthedland.wa.gov.au

Lodging an Expression of Interest

Expressions of Interest must be received by the Town no later than **4pm on the 21 July 2021**.

Expressions of Interest can be made by:

- emailing: council@porthedland.wa.gov.au
- by hand to the Town of Port Hedland Civic Centre, 13 McGregor Street, Port Hedland WA 6721 (marked for the attention of Kate Reid, Coordinator, Property Management)
- by mail to the Town of Port Hedland Civic Centre, PO Box 41, Port Hedland WA 6721 (marked for the attention of Kate Reid, Coordinator, Property Management)

Acceptance and rejection of Expressions of Interest (EOI)

The Town may at its sole discretion, accept any EOI, either wholly or in part, or decide not to accept any EOI (or part thereof) at all.

Process for considering EOIs

Following the close of the tender process, the Town may seek further information and supporting documentation from tenderers. All Tenderers will receive a response to their Expression of Interest advising of the outcome.

The final selection of a tenderers does not indicate the acceptance of the EOI. If at any stage the Town believes, at its sole discretion, that an agreement with a preferred Tenderer cannot be reached, the Town will have the right to terminate negotiations with the preferred Tenderer and to commence negotiations with other tenderers considered to be the next preferred tenderer as determined by the Town.

Indicative timeframes for considering EOIs

Invitation to submit EOI opens: 7 July 2021

Closing date for EOIs: 21 July 2021

Evaluation of EOIs: 29 July 2021

Report to Council: 25 August 2021

Legislative requirements for disposal of property

Section 3.58 of the *Local Government Act 1995* ("the Act") provides for the requirements for the disposal of property. Tenderers acknowledge that the lease or grant of licence over the Land will be subject to the Town's compliance with s3.58 of the Act. This public tender process is being undertaken pursuant to s3.58(2)(b) of the Act.

Tenderers to inform themselves

The Town does not warrant, guarantee or represent (expressly or impliedly), and takes no liability for and no duty of care exists in respect of, the accuracy, completeness, adequacy or correctness of any information and documents issued to Tenderers, including the information and documents. Tenderers assume all risk associated with the accuracy, completeness, adequacy or correctness of such information and documents.

Tenderers will be deemed to have:

- examined the EOI and any other information available in writing to Tenderers for the purpose of making an EOI;
- examined and to be aware of all the risks; contingencies, and other circumstances having an effect on their EOI, which is obtainable by the making of reasonable enquires;
- acknowledged that the Town may enter into negotiations with one or more Tenderers and that negotiations are to be carried out in good faith; and
- satisfied themselves they have a full set of the EOI documents and all relevant attachments.

The Town has used all reasonable efforts in compiling this EOI. The Town is not liable to Tenderers for any inaccuracy or omission in this EOI or any additional information which may be provided or withheld.

Conditions

EOIs will be deemed to have been made on the basis of and to incorporate (and Tenderers are bound to) all the terms and conditions of this EOI.

The lease's intended commencement date is 1 July 2021 with expiry date of 30 June 2031, which includes a ten (10) year term. The first extended term is five (5) years, with commencement date on 1 July 2031 and expiry date on 30 June 2036.

The annual lease fee is payable on the commencement of the lease, and on the anniversary of the commencement date each year thereafter. The annual lease fee will be determined by the Council in its Annual Schedule of Fees and Charges. The lease fee for 2021/22 is \$200.00 per annum.

All development, construction, and improvement of the land shall not commence without prior approval of the Town of Port Hedland.

Any lease will be subject to Ministerial approval under section 18 of the *Land Administration Act 1997*.

Special conditions

All structures and improvements are to be removed from the site at the end of the lease term at the cost of the Lessee, should a new lease term not be entered into.

No contract

This expression of interest may result in negotiations for a lease or a licence, but is in itself not an offer open for acceptance by Tenderers by lodging an EOI.

Ownership of EOIs

All documents, materials, articles and information submitted by the Tenderer as part of or in support of an expression of interest are upon submission the absolute property of the Town and will not be returned to the Tenderer at the conclusion of the expression of interest process.

Disclosure of information

The Tenderers acknowledge and accept that the Town may be required by law (under the *Freedom of Information Act 1992*, in terms of a court order or otherwise) to disclose documents and/or other information which form part of, or are in relation to, the EOI and or this EOI process.

Information relating to the examination, clarification, evaluation and comparison of the proposal submitted in response to this EOI is confidential to the Town and will not be disclosed to Tenderers or any other persons not officially concerned with such process.

Canvassing of officials

If a Tenderer, whether personally or by an agent, canvasses any of the Town's Elected Members or officers with a view to influencing the acceptance of any EOI regardless of such canvassing having any influence on the acceptance of any EOI, the Town may at its absolute discretion omit the Tenderer's EOI from consideration.

Cost of responding

The Town is not liable to the Tenderer for any costs, losses or expenses incurred by the Tenderer in preparing their EOI.

Changes to/ Withdrawal of EOI

The Town reserves the right to:

- notify the Tenderers in writing before the Deadline of any changes to this EOI which may in the discretion of the Town be necessitated by any matter of significance;
- extend the deadline for EOIs; or
- cancel, amend, re-issue or withdraw all or part of this EOI and/or process under it at any stage prior to entering into a contract, without incurring any liability.

No right to claim

Except as expressly and specifically permitted in this EOI, no Tenderer has any claim for compensation of any kind whatsoever, as a result of participating in or responding to this EOI and/or participating or not participating in any further negotiations resulting from this EOI. By submitting an EOI, each Tenderer agrees that it has no right to claims.

Property Information

Property location

The Land is located at Lot 5213 Great Northern Highway, Port Hedland.



Property Details

The land is currently used for Recreational purposes.

Inspections

Inspections may be organised by appointment by contacting Kate Reid, Coordinator, Property Management on 9158 9733.

Part 3 – Tenderer's EOI

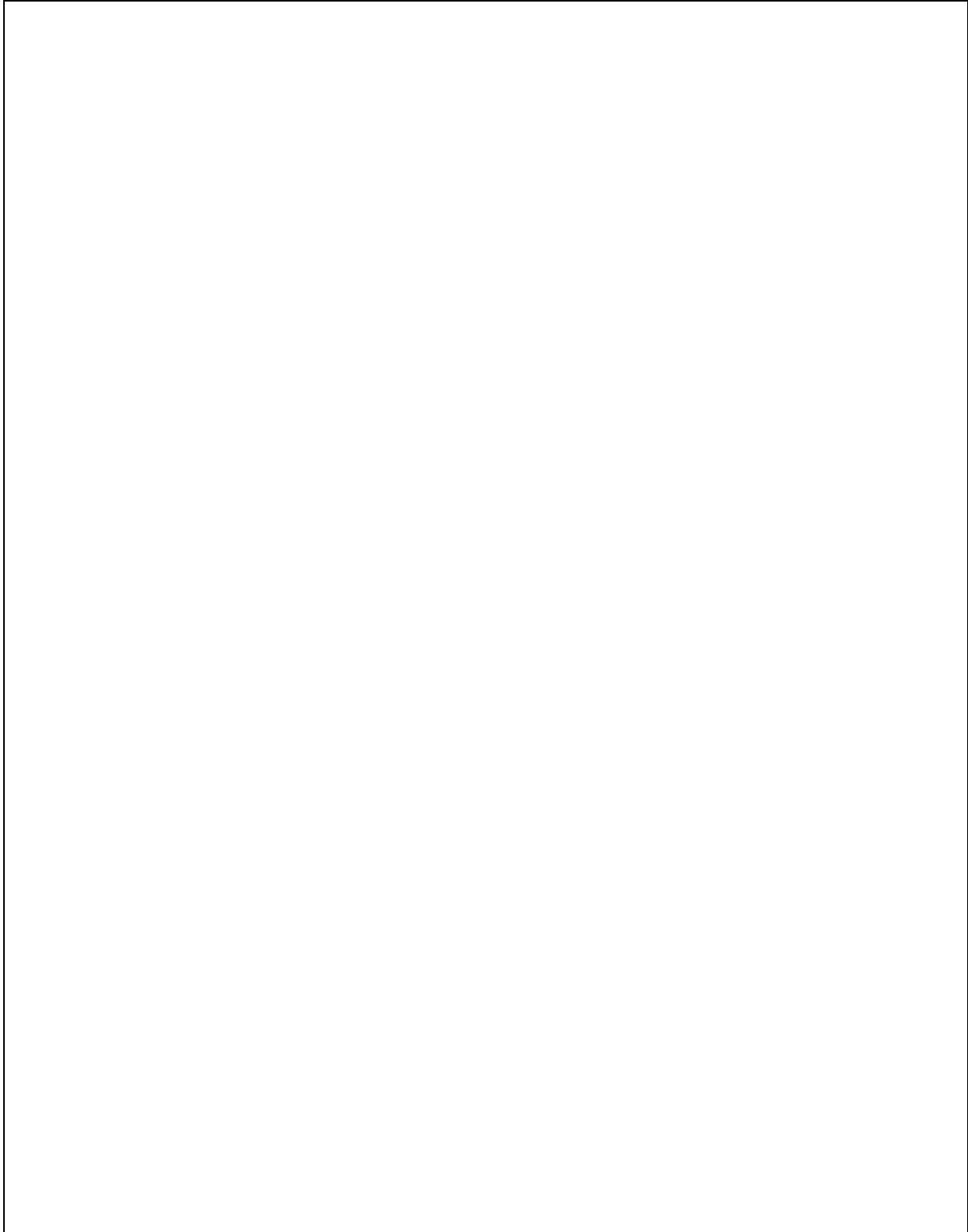
Please complete each section as applicable and lodge your EOI with the Town before the deadline.

Tenderer Information

Applicant Name:	
Contact Person:	
ABN (if applicable):	
Not for profit status:	
Address:	
Telephone:	
Email:	

Proposed use

Please provide a detailed outline of the proposed use of the land, including if any, its alignment with the Town's strategic plans and vision, and how the proposal represents the best community use of the land. (If more space is required, please add additional pages)

A large, empty rectangular box with a thin black border, intended for the user to provide a detailed outline of the proposed use of the land. The box is currently blank.

Declaration

I agree, as or on behalf of the Applicant that I have read and will comply with and be bound by the Town's Community Leasing Policy and the terms of this Expression of Interest Public Tender process.

The details set out in the EOI proposal are to the best of my knowledge true and correct.

Date	
Signature (authorised person)	
Name of authorised person	
Position	
Telephone	
Email	